

## **REMARKS/ARGUMENTS**

Claims 1-7, 13-18, 37-38, 43-44 and 46-67 are now pending in the application. Claims 1, 3-4, 7, 13-14, 16, 18, 37-38 and 43-44 are currently amended, and claims 8-12, 19-36, 39-42 and 45 have been cancelled without prejudice or disclaimer of any previously claimed subject matter. Claims 46-67 have been added. Applicants reserve the right to present any cancelled subject matter in one or more continuation or divisional applications.

### **Amendments to the Specification**

The specification has been amended in paragraph 1 to remove the claim of priority to U.S. Provisional Application Serial No. 60/466,194 filed April 28, 2003 and U.S. Provisional Application Serial No. 60/470,949 filed May 14, 2003. A revised Declaration and Power of Attorney is submitted with this paper which lists the correct claim of priority to U.S. Provisional Application Serial No. 60/392,351 filed June 28, 2002.

### **Restriction Requirement**

In the Office Action dated January 11, 2006, the Examiner restricted the prosecution of the application to one of four groups proposed by the Examiner:

- I. Claims 1-7, 13-18, 37-38 and 43-44, drawn to compounds and compositions comprising the compounds of formula I or II of claims 1 and 4.
- II. Claims 19-22, 28-26, 39-42 and 45, drawn to methods of a flavivirus or pestivirus infection in a host by administering the compounds/compositions of Group I.
- III. Claims 23-27, drawn to methods of treating a flavivirus or pestivirus infection in a host by administering a composition comprising compounds of formula I or II and an additional antiviral agent.
- IV. Claim 8-12, drawn to compositions comprising the compound of formula I or II and an additional antiviral agent.

Applicants elect Group I (claims 1-7, 13-18, 37-38 and 43-44), drawn to compounds and compositions comprising the compounds of formula I or II of claims 1 and 4.

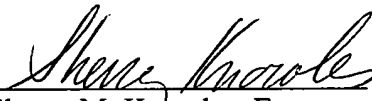
The Examiner has also requested that Applicants elect a disclosed species for prosecution under 35 U.S.C § 121. Applicants elect the compound of formula I in claim 1 for prosecution.

Applicants note that the compound of Formula II is simply a salt of the elected species.

### CONCLUSION

Examination of the elected claims is respectfully requested. Although no fee is believed to be required, the Commissioner is authorized to charge any deficiency to Deposit Account 11-0980.

Respectfully submitted,

By:   
Sherry M. Knowles, Esq.  
Reg. No. 33,052

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KING & SPALDING LLP  
1180 Peachtree Street  
34<sup>th</sup> Floor  
Atlanta, Georgia 30309  
Tel.: (404) 572-3541